

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CUTBERTO VIRAMONTES, an individual
and resident of Cook County, Illinois, *et al.*,

Plaintiffs,

v.

THE COUNTY OF COOK, a body politic
and corporate, *et al.*,

Defendants.

Case No. 1:21-cv-04595

Assigned Judge: Rebecca R. Pallmeyer

Designated
Magistrate Judge: Susan E. Cox

**COUNTY DEFENDANTS' AGREED MOTION FOR EXTENSION OF TIME AND FOR
LEAVE TO FILE MEMORANDUM IN SUPPORT OF THEIR MOTION FOR
SUMMARY JUDGMENT IN EXCESS OF 15 PAGES AND STATEMENT OF
MATERIAL FACTS IN EXCESS OF 80 STATEMENTS**

Defendants The County of Cook, a body politic and corporate, Toni Preckwinkle, in her official capacity as County Board President and Chief Executive Officer of Cook County, Kimberly M. Foxx, in her official capacity as State's Attorney, and Thomas Dart, in his official capacity as Sheriff (collectively the "County Defendants"), by their attorney, Kimberly M. Foxx, State's Attorney of Cook County, through Megan M. Honingford, Assistant State's Attorney, for their agreed motion for extension of time to file motion for summary judgment and for leave to file their memorandum in support of their motion for summary judgment in excess of 15 pages and statement of material facts in excess of 80 statements state as follows:

1. On August 27, 2021, Plaintiffs filed a 20-page Complaint. (ECF No. 1.)
2. Currently, dispositive motions are due to be filed on or before January 19, 2023. (ECF No. 46.)
3. Plaintiffs' Complaint asserts one count brought under 42 U.S.C. § 1983, setting forth alleged violations of the Second and Fourteenth Amendments. They assert that the

Cook County Code of Ordinances banning “assault weapons” violate the Plaintiffs’ fundamental constitutional rights. (ECF No. 1, ¶¶ 61-70.)

4. Defendants assert a number of legal and factual arguments in their memorandum for summary judgment. In addition, the relevant body of case law has changed since this case’s filing, including at the level of the U.S. Supreme Court, and a thorough examination of the legal landscape is necessary.
5. Defendants have engaged in extensive expert discovery, producing eleven expert reports and declarations. The nature of Defendants’ defenses are fact-intensive and require a clear retelling of evidence in the record.
6. Despite efforts to condense their memorandum and statement of facts, Defendants require additional pages above the 15-page limit to fully articulate their arguments, as well as facts in excess of the 80-fact limit.
7. Defendants’ memorandum will total approximately 60-75 pages.
8. Defendants’ require approximately 350 statements of material fact.
9. The subject matter of this case is pressing and potentially transformative. Due consideration of both the factual and legal issues requires a brief and statement of facts in excess of the typical limits.
10. Plaintiffs are in agreement with Defendants’ request for leave to file an oversized brief and oversized LR 56.1 statement of facts, provided they are granted a similar extension in length for their responses to Defendants’ motion for summary judgment and LR 56.1 statement of facts. Defendants have no objection to this proposal.
11. In addition, in light of the extensive briefing, as well as the Martin Luther King, Jr. Day holiday, the parties have also agreed to and herein request a 14-day extension of time

to the summary judgment briefing schedule, which would extend the date to file all dispositive motions to February 2, 2023.

WHEREFORE, the County Defendants request that this Court grant leave to file a memorandum in support of summary judgment in excess of 15 pages, in excess of the 80-fact limit, to grant an extension of time to file dispositive motions on or before February 2, 2023, and any other relief the Court deems just and proper.

Dated: January 13, 2023

Respectfully Submitted,

KIMBERLY M. FOXX
State's Attorney of Cook County

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